THE New Republic

Approaching
The Summit
Report from Bonn

Pages 7-8

The New-Style Inflation

By GARDINER C. MEANS

In Double Jeopardy

By LOUIS H. POLLAK

The Bolshoi Arrives . . . . . *George Woodruff*
Ordeal by Rumor . . . . . *Charles Curran*
Learning the Hard Way . . . . . *Benjamin Muse*
Crisis in Diplomacy . . . . . *Robert W. Tucker*

MAY 4, 1959

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Washington Wire

A Thumping Endorsement

RARELY has a man so little known gone to face problems so overwhelming as Christian Herter—the crippled giant—in Paris this week. Angered by Eisenhower's seeming inability to adjust himself to Dulles' tragic but inevitable departure, the Senate gave Herter a thumping endorsement. Once again the incident illustrated Eisenhower's painful dependence on trusted subordinates. In the end, however, everyone backed Herter —even the President.

"President Kennedy"

WITH DEEP INTEREST we watched the performance of Jack Kennedy in the thrilling Senate battle over the labor reform bill. We came without preconceptions and must report Kennedy's performance was impressive. Against the old-fashioned emotional oratory of John McClellan (D, Ark.) Kennedy stood like the calm voice of reason. Under particularly trying parliamentary conditions he remained articulate, lucid, unruffled.

Many must have watched him, as we did, trying to imagine him as "President Kennedy." He looked like a popular young college professor. There is a mystique about the American President that assumes he must resemble Michaelangelo's God, or at least Warren G. Harding. Kennedy, at almost 42 with his shock of hair and boyish smile, looks younger. More than his religion, we think his age is a handicap. We imagine many who opposed Kennedy's Catholicism in an election would hide their real motives by attacking his age. It is the case of a man who might be President if he had a bald spot. At any rate, giving this column's first hand impression, we thought he made an unusually attractive and impressive figure on the Senate floor last week.

In the next few months reams of eloquent copy will be written on the opening of the St. Lawrence Seaway and about America's new inland seacoast. Much of what is written will be true. But what will be almost ignored and forgotten is the disgraceful 40-year delay in building the waterway. Why was not this engineering triumph—which everybody now proudly hails — achieved in the 20's? Because a lavishly-financed, coldly selfish lobby blocked it in Congress. We watched them operate for years. A shamefully brazen coalition of railroads, trucklines and Eastern seaport cities gleefully fought the future. It is always so. Only the bloodiest battles bring the inevitable. We would not have the Seaway today if Canada hadn't at last coolly started to build it herself. We could wish that just one speech in all the waterfall of eloquence ahead would tell the truth about this sordid chapter of Congressional paralysis.

"I Hold Here in My Hand . . ."

FRIENDS of the late Senator Joseph McCarthy will dedicate a bust this Saturday at Appleton, Wisconsin. It will be of heroic proportions, rising with its pedestal 8½ feet in the two-story Courthouse lobby. Presentation will be by Senator Styles Bridges (R, N.H.), a happy choice, for he was one of the 11 who supported McCarthy in trying to block Ambassador Bohlen's appointment to Moscow in 1953. (Of that little group, that band of brothers, Malone, Welker, McCarran, Bricker are no longer in the Senate; Mundt, Goldwater and Schoeppel remain to keep McCarthy's memory green and Dirksen is minority leader.)

We would like to nominate attendants at the Appleton rites. There would be the five supporters and advisors of Stevenson in the 1952 campaign whom McCarthy called "disloyal," and who supported the Democrats ("the party of treason"). There would be Owen Lattimore and the group on the Far East desk of the paralyzed State Department, hounded and harried as a preface to our present frozen non-recognition policy.

There would be egg-heads and scientists, Harold Urey, and Nathan Pusey of Harvard (Harvard is a "sanctuary of Communists"). There would be the 19 unlucky employees of the Army's research center at Fort Monmouth, N. J., suspended without pay in a reign of terror—one of them because his mother enrolled him in the Young Pioneers at 12. There would be a large group: America's entire body of "Protestant clergymen" whom McCarthy's assistant, J. B. Matthews declared in the *American Mercury* were "the largest single group supporting the Communist apparatus in the United States today."

For low comedy there would be Roy Cohn and Dave Schine romping about the ceremony as they did on their celebrated purge through trembling US embassies in Europe, when Schine chased Cohn round a hotel lobby swatting him with a rolled-up magazine.

There would be grave military men on hand: combat-decorated Gen. Ralph Zwicker, told by McCarthy that he was "not fit to wear the uniform," and General Marshall ("steeped in falsehood"). And then for background I would nominate certain others, those who aided McCarthy out of self-interest or timidity, a Presidential candidate who expunged praise of General Marshall from a campaign speech, a Vice President adept in McCarthy tactics on his own, GOP Chairman Leonard Hall who called McCarthy a Republican "asset"; Senator Robert Taft who egged McCarthy on (Ah me! Taft's memorial bell tower now serves as a precedent for similar Capitol monuments on what may ultimately be called "Mortuary Hill.").

The Doubt Remains

IT IS NOT really McCarthy, nor even his victims, however, who should come first at these obscene Appleton rites. It is the crowd of frightened respectables who, in the McCarthy era, knew the truth and would not testify. Who could have guessed how many and how easily terrified! Surely it is easy to make a revolution! Publishers who looked the other way, boards of regents who let faculty members be lynched, businessmen who paled at boycotts, an Administration that tried to go along. McCarthy showed the way. Not this time; no, not this time! But the haunting doubt remains.

T.R.B.

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THE WEEK 3

Hope for Geneva; Labor Reform; The "Permissible" Limit; SEATO as Deterrent; Fulbright's Leadership; Learning the Hard Way; Cracks in the Glacier

ARTICLES 9

The New-Style Inflation
by Gardiner C. Means

In Double Jeopardy
by Louis H. Pollak

BOOKS 16

BALLET 22

ART 23

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Correspondence

► *Ideas That Change the World*

SIRS:

BARBARA WARD'S *Five Ideas that Change the World* has had such a wide acclaim that it is surprising to read Mr. Friedenberg's adverse judgment of it in your issue of the 13th. Miss Ward has a searching intelligence, a hospital-

(Continued on page 24)

Hope for Geneva

PRESIDENT EISENHOWER'S suggestion that to prevent complete breakdown of the Geneva negotiations for suspending nuclear bomb tests we limit the ban agreement to atmospheric explosions has brought a promising counter-proposal from the Soviet Union. Premier Khrushchev's replies to the President's message and to Prime Minister Macmillan's concurring letter which accompanied it suggest that Khrushchev may finally be willing to accept a limited inspection system for test ban monitoring without a veto over its operations—the sticking point in the six-month conference to date.

To stop "explosions of nuclear weapons at the heights of up to [30 miles]," Khrushchev writes, "will not solve the problem . . . would not halt . . . the designing of ever more destructive types of atomic and hydrogen weapons . . . or . . . prevent pollution of the atmosphere, the soil and the water by radioactive products." The need, he insists, is "to conclude an agreement for stopping all tests of nuclear weapons—in the atmosphere, underground, underwater and at great altitudes." And to reach it he proposes that the conferees consider a compromise plan which Prime Minister Macmillan suggested during his March visit to Moscow—and which Sen. Hubert Humphrey proposed in a letter to President Eisenhower at almost the same moment.

"You pointed out," Khrushchev reminds Mr. Macmillan, "that agreement . . . would be brought closer if we reached an understanding to determine in advance for each side the number of annual trips of inspection teams to the site [of phenomena suspected to be nuclear explosions]." (This would, as Senator Humphrey remarked in suggesting that the US explore the same idea, "show clearly to the suspicious Soviets that espionage and indiscriminate inspection are definitely not the purposes of adequate control.") "The Soviet delegation," Khrushchev adds, "has been instructed to present this proposal for consideration at Geneva. . . . [Will you] instruct your representative to exert the necessary effort for a solution?"

The US and Britain should welcome a chance to test Soviet sincerity on this ground. President Eisenhower made clear in his April 13 letter that we too prefer to stop all tests and were proposing a partial atmospheric ban only as an alternative to no agreement at all. The US has already suggested that there be some practical limitation on the number of inspections which could be required. Experts agree that inspectors should always look into explosions in areas where earthquakes do not usually occur, but in earthquake areas spot checks of unidentified events would have to suffice. And if inclusion of some limit on the number of inspections resulted in agreement to ban *all* tests rather than only those within the atmosphere, we would: eliminate fallout from explosions above 30 miles in the air as well as below that height; prevent the proliferation of nuclear weapons producing nations; curb the production of new types of nuclear arms; win agreement for the future on two fundamental principles of

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disarmament—the right of mobile inspection and prohibition of veto by any one power.

The West should express its ready agreement to consider the new Soviet proposal—and its expectation that the Soviet Union in turn will drop its objection to discussing methods of detecting nuclear tests in space and improving the techniques at ground control posts so necessary to adequate inspection.

Labor Reform

CONSIDERING the political pressures at work and the appalling ignorance of most Senators about the realities of union operations and union-industry relationships, the Kennedy-Ervin labor-management reform bill emerged from the Senate floor battle with about as little damage as might have been expected. But again it was clearly demonstrated that the Senate floor, in an atmosphere of Presidential, personal and party politics, is no place to try to write a measure that safeguards and strengthens collective bargaining while protecting both the public and union members from the evils of arbitrary, irresponsible or crooked union leaders. Neither is the floor of the House, to which a labor-management reform bill must go when it can be forced from the Education and Labor Committee over the opposition of the North Carolina obstructionist, Chairman Graham Barden. But a floor fight in the House obviously is inevitable because a great majority of Republicans and a substantial group of Southern Democrats will not be satisfied without punitive, rather than corrective, legislation. This prospect forces both Secretary of Labor Mitchell and union leaders to face a perhaps unpalatable but unavoidable truth: that the bill as passed by the Senate is probably the best that can be obtained and that it will take hard work to prevent it from being made worse or lost entirely, as the Kennedy-Ives bill was lost last year when Mitchell opposed and some sections of labor sabotaged it.

If Sen. Jack Kennedy (D, Mass.), with his Presidential aspirations deeply involved, had a vested interest in putting through a reform bill that would not be intolerable to labor, Sen. Barry Goldwater (R, Ariz.) and other right-wing Republicans had a vested interest in preventing the passage by a Democratic Congress of any bill that could be labeled "reform," and the only surprise was that more GOP Senators did not join Goldwater in voting against it on final passage. The most preposterous performance, in any case, came from the chairman of the Rackets Committee, Senator McClellan, who confessed his ignorance of labor-management relations but nevertheless demagogued the Senate into passing a mislabeled "bill of rights" for union members that was unworkable, to say the least, and that had to be undone and repudiated, with Senator McClellan himself voting to modify his own handiwork.

There is every reason to support legislation that will correct some inequities toward unions manufactured in the Taft-Hartley Act and that will check abuses of power that degrade the labor movement and offend public decency. But no such measure can be passed if the House, without full assistance from both the Eisenhower Administration and the responsible leaders of labor, is allowed to turn the issue into a wholly partisan one again.

The House would be well advised if its members put a voluntary damper on emotion and rhetoric about the importance of drafting a bill that will "stop" Teamsters Union President James Riddle Hoffa. A reform law that provides safeguards against future abuses is what Congress should write, not legislation designed to punish a single individual, no matter how unpopular he may be. Anything that smacks of a bill of attainder is repugnant to good sense as well as to the constitution.

The "Permissible" Limit

ON APRIL 23, the National Committee on Radiation Protection — the non-governmental scientific committee which sets the "permissible" radiation exposure limits for the United States—announced it had increased the "permissible" limit for strontium in water (and therefore in milk and other foods) by 25 percent. As a result, that part of the public which is aware of this danger from atomic "fallout" felt a little relieved since the levels of radioactive strontium in milk and other foods had been creeping up toward the limit. In Minnesota, for example, some wheat crops have reached the present limit and, in one instance, exceeded it.

In a statement accompanying the new figures, however, the committee also disclosed that the International Commission on Radiological Protection — the international scientific group with which it is affiliated—had made some presumably different recommendation on "permissible" limits "for long-range planning purposes" which the National Committee "considered to be sound" and would eventually follow. "In the meantime," it added cryptically, "undue risks to the population will not be incurred by following current policies for a while longer."

What were the International Commission's recommendations? No one would say. Copies of their report were in the hands of the National Committee but were being withheld from the public. A little detective work revealed that the report was being suppressed in this country because the International Commission had lowered the "permissible" exposure limits for the general population to levels the National Committee would not accept. The National Committee apparently feared that the adoption of these limits would cause an uproar in parts of the US where the strontium-90 concentration in

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milk and other foods was already above the new "permissible" limit and that the lower limits would bring on a wave of protest against the further development and testing of nuclear weapons.

The National Committee hurriedly set up a special subcommittee to find a way out. The "current policies" it advised following "for a while longer" meant using limits which were now three to 10 times higher than those adopted by the International Commission. The Subcommittee is now proposing that the concept of a "permissible" limit for population exposures be completely abandoned. It is advising, instead, that the National Committee specify the biological dangers of radiation and leave the decision of what is permissible to someone else—presumably the Administration, which will then have the touchy job of explaining to the public that, as one member of the subcommittee stated, "the Nation's security may demand the exposure of people to higher levels of radiation than those just established by the International Commission."

SEATO as Deterrent

THE FIFTH ANNUAL SEATO Council meeting arrived at the conclusion that Southeast Asian tensions were much less acute now than they were five years ago when the treaty organization was established and that this was due, in large measure, to the treaty's deterrent value. This is an assumption that warrants closer examination, since the obvious conclusion to be drawn from it—that the treaty has been, and will continue to be, an effective barrier against Communist penetration in the Southeast Asian area—could be both misleading and dangerous.

Unlike NATO, which united Western Europe as a solid bloc in the face of Soviet expansion, and even the Baghdad Pact which, until Brigadier Kassem's *coup d'état,* at least gave the appearance of holding a line, SEATO, in its military deterrent, consists of widely separated allied strongposts, backed by the mobile air and naval air striking power of the US Far Eastern forces. It has no standing Army, no trip wire of treaty forces (as in NATO) to trigger off an automatic reaction to aggression and, in some vital parts of the region it seeks to protect, singularly little sympathy or support.

On a much broader canvas, SEATO's deterrent concept is unpleasantly reminiscent of the tactics employed by the French in Indo-China, where for years the basic premise was that areas could be "pacified" by the construction of chains of blockhouses. Since Communism is basically a state of mind and a man with a gun only one of its manifestations, the tide lapped around and past the French fortifications; and though no one could compare the situation in Southeast Asia today with the situation in Tongking in 1954, it is nevertheless true that the Communist tide has tended to flow past the SEATO blockhouses.

As the Government of the Federation of Malaya emphasized in a White Paper published on February 24, Southeast Asian Communists generally realize that they made an error of judgment in seeking to win by armed struggle and are now using, as part of a deliberate plan, the far more subtle means of subversion to prepare the way for another bid for power. They have made material progress in Indonesia, in Singapore and even in Malaya, though their armed forces there are in the last stages of destruction. They were thwarted, if only temporarily, by bloodless and constitutional coups in Burma and Laos: but in Cambodia they appear to be winning respectability among followers of Prince Norodom Sihanouk, whose suspicions of SEATO overshadow the lingering doubts he may have about Communist China.

That tensions have eased in Southeast Asia, while demonstrably true, may be less a cause for complacency, therefore, than for concern. It is pointless to hold the valleys and to lose the hills, to man the forts and to forget the rice paddies that lie between. "Alliances based on antipathy alone are not of much practical value, particularly in Asia," said Malaya's Tengku Abdul Rahman when he visited the Philippines earlier this year and proposed a pact to strengthen economic relations between the countries of Southeast Asia. "If I proposed an anti-Communist pact, half the countries would be left out." That is SEATO's real weakness: half the countries are, in fact, left out.

Fulbright's Leadership

THOSE who doubted whether Sen. J. William Fulbright would prove able as Chairman of the Foreign Relations Committee to translate his enlightened ideas on foreign affairs into practical leadership have a heartening and unmistakable answer in the Fulbright foreign aid amendments introduced last week with Senators Kennedy and Humphrey as co-sponsors. He has placed his great weight behind the proposal for five-year financing of the Development Loan Fund pressed in recent weeks by Senator Kennedy, and has done so without niggling, urging the $1.5 billion annual ceiling which is actually needed. Moreover, he has gone beyond what Senators Kennedy and others proposed and has struck with great originality at the over-militarization of our aid program.

In addition to a redefinition of purpose in the preamble to the mutual security legislation, he has proposed that Section 105(b) specifically direct that military aid in countries determined by the Secretary of State to be less-developed shall

> be programmed, and force goals shall be recommended, according to the principle that economic de-

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velopment needs shall have first call on the resources of such countries.

The "force-goals"—*i.e.* the size of the US-aided armed forces in a given country—are at times determined by US military personnel with insufficient regard for what concerned US diplomats and recipient governments may consider relevant to security needs. Thus Senator Fulbright would specifically enjoin the participation of diplomatic mission chiefs in military aid decisions. And he would, finally, authorize transfer by the President within the Mutual Security budget of up to 30 percent (as against 10 percent at present) of military aid funds to economic uses.

Taken together the Fulbright recommendations represent an act of unusual political valor in the face of great odds.

Lindsay Almond: Learning the Hard Way

VIRGINIA'S Governor J. Lindsay Almond, Jr., is a rotund, white-maned orator of the old school, a flamboyant yet thoughtful man—and an enigma. He is making the fight of his life now to save his state from reckless resistance to the Supreme Court's rulings against public school segregation.

For four years he poured out lurid denunciations of the nation's highest tribunal. Last fall his picture appeared in newspapers and on magazine covers across the land as the Supreme Court's toughest antagonist. He was the man who ordered the closing of public schools, shutting out 12,500 pupils in Norfolk, Charlottesville and Front Royal.

South of the Potomac, Virginia's Governor was widely regarded as a Southern David pitted against a Federal Goliath. He was even coupled by many, North and South, with Arkansas' Governor Orval Faubus—but in grievous error. Almond is made of finer stuff.

Like Saul on the road to Damascus Lindsay Almond, as late as last January 20, was "yet breathing out threatenings and slaughter against the disciples of the Lord." On that evening, which was the day after the Virginia Supreme Court of Appeals invalidated the state's whole spate of "anti-integration" laws, he took to the air over a statewide hook-up and delivered one of the most vituperative and inflammatory of his many hostile speeches.

"To those of faint heart; to those whose purpose is to blend and amalgamate the White and Negro races, to those who disclaim that they are integrationists but are working day and night to integrate our schools," he declared, "I will not yield. . . . With determination more relentless than ever before—we have just begun to fight."

Only in the announcement of his intention to appoint a commission "for the purpose of assessing and evaluating the entire situation in the light of existing conditions" was there a hint of an imminent policy change.

One week later he addressed a session of the General Assembly, especially summoned, and made his famous speech of "capitulation." By something like a miracle, he carried a majority of the Legislature with him in a retreat from "massive resistance." An even more astounding element of the public—67 percent, according to a *Richmond Times-Dispatch* poll conducted a few days later—and nearly all of the Virginia press approved of his turn toward moderation.

I talked last summer with several of Virginia's distinguished, but more or less silent, moderates about the approaching school-closing crisis. They expressed the view that "there is nothing we moderates can do now. No one will listen to people who have been moderate all along. The reversal must come," they said, "from the extremists themselves, when they have reached the end of the road."

Certainly, the Virginia experience has proved that no advocate of moderation on the segregation issue is so effective as the reformed extremist, the resister who has learned the hard way that resistance is impossible. Whether or not by design, Lindsay Almond's gubernatorial career has followed that pattern. What have been his innermost thoughts during the past four years of tension and agitation and melodrama has been a subject of speculation in many quarters. Some believe that he planned it this way.

At any rate the years of Almond oratory, including his successful campaign for Governor against a moderate Republican opponent, had given the impression that no one was more fiercely attached to segregation, and he had demonstrated that no one was more scornful of the Supreme Court than he. When Almond then concluded that "we have not the power," not all, but a surprisingly large number realized that he spoke the truth.

In his impassioned January address to the Legislature the Governor said that he would willingly "serve in durance vile" to save segregation, but it would do no good—and he posed a shrewd challenge: "It is not enough for gentlemen to cry unto you and me, 'Don't give up the ship' . . . If any one of them knows the way through the dark maze, I call upon him to shed the light."

No constructive light was shed then, and none has been shed since, by the die-hards who seek a return to "massive resistance." In the meantime, while politicians still pondered his historic address, public schools were

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desegregated with exemplary dignity and decorum in three Virginia cities.

Now Almond is facing bitter opposition. It comes mainly from the "Black Belt" of southeastern Virginia and from the hard core of the fading Byrd machine. Sen. Harry F. Byrd, who invented "massive resistance," has never renounced it.

The Governor is receiving sneering denunciations and foul abuse. He has even apparently been shot at by a would-be assassin. Yet, with a determination which has something like heroic proportions, he is bringing all his eloquence and political know-how to bear in a mighty effort to beat down the forces of confusion and keep Virginia's schools intact.

And he is winning. He won his fight by a narrow margin in the special session of the Legislature which adjourned last week. On the crucial tests of strength in the State Senate the vote was 20 to 19. (A known Almond supporter who was absent would have made it 21 to 19.) In the House of Delegates the vote was 53 to 46. Without the Governor's firmness and skill, unquestionably the die-hard resisters would have won.

Some of their wilder proposals would have failed in any case, but several serious steps on the road back to "massive resistance" undoubtedly would have been taken. They included retention of the state's dubious centralized pupil placement law, denying local option; making permanent a temporary repeal of the compulsory school attendance law; and the initiation of a Constitutional amendment repealing the requirement for the maintenance of public schools. So narrow was the margin by which these attempts were defeated that the victory for moderation can be clearly attributed to the Governor.

Almond's own program, which was enacted with little change, can be called moderate only in the present Virginia context. It followed the recommendations of the commission which he promised in January to set up—a body consisting of 40 members chosen from the two houses of the Legislature and headed by Sen. Mosby Perrow. The commission's proposals, which Almond made his own, were nearly all bad in themselves. They would have been unthinkable in any non-Southern state, and unthinkable in Virginia before 1955. They reflected no willing acceptance of the Supreme Court decision, and their express purpose was to preserve a maximum of segregation.

But the arrogant laws which compelled resistance to desegregation orders, even in localities which wished to comply with them, were replaced by laws providing for local option. Most of the bad provisions of the new legislation are permissive—not forced on unwilling counties and cities. Emphasis everywhere is upon "freedom of choice," which should make the always misleading expression, "forced integration," happily obsolete.

Probably the worst feature is the opportunity opened by the new legislation to integration-fearing localities to reduce their public school facilities to a minimum, and the encouragement offered to private schools by scholarship grants to pupils seeking to escape integrated public schools. But all this is a relief after the specter of a general liquidation of the public school system, which many had advocated and which had already been partially realized in this state.

For Virginia now the new legislation represents a long step forward, and it is mainly the work of a strangely talented leader, who may at last have found himself. Virginia's troubles are far from over, and Lindsay Almond is still on the side of states' rights and segregation. But he is moving toward adjustment and stability, and he is not likely to change his direction again.

"I feel I have recommended that which is best for Virginia," Almond said with quiet firmness while the Legislature debated his program. "I can think of nothing that will deter me from that course."

BENJAMIN MUSE

Cracks in the Glacier

Bonn

THE DEPARTURE of the Federal Chancellor, Dr. Adenauer, to the sunny shores of Lake Como in Northern Italy a fortnight ago has brought something like a diplomatic ice-age to Bonn. Neither the Cabinet nor the Christian Democratic Party will discuss the Berlin and broader German situations while he is away. The Foreign Affairs Committee of the Bundestag, which should never have been busier than during this last breathing-space before the Foreign Ministers meet in Geneva, has in fact never been more inactive. The glacier's pall of frozen silence has descended on the Federal capital; such is the effect of Dr. Adenauer's orders and the weight of his authority.

Yet even the casual ear may have heard the first, faint cracking sounds which precede the thaw. The glacier is not motionless; no glacier, for that matter, ever is. In the Federal Foreign Office there are mutterings about the Chancellor's failure to examine the Macmillan Plan for a zone of equalized and mutually inspected armaments in Germany. Foreign Minister Heinrich von Brentano has told both German and foreign newspapermen emphat-

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ically that he does not regard Mr. Macmillan as the "odd-man-out" in the Western constellation and that British proposals to break the deadlock over the Berlin and German questions have been constructive without becoming weakly defeatist. The irrepressible Free Democrats have openly declared that the coming Geneva Conference of the Foreign Ministers should be used by the East and West German delegations as an opportunity to meet one another and exchange views on the future of their country.

In Berlin the president of the Bundestag, Dr. Eugene Gerstenmaier—who ranks as an outside possibility for the post of Federal Chancellor this summer—has made two statements which show that there are some people in the government ranks who are not content with diplomatic immobility, both of which, in the eyes of Dr. Adenauer, are frantic heresies. The West and the Soviet Union, Gerstenmaier says, could agree on the future military status of a reunified Germany prior to reunification taking place. The implication is obvious: the exclusion of a united Germany can, even should, be used as a powerful bargaining-lever by the West. (Dr. Adenauer has said repeatedly that German withdrawal from NATO will lead to American withdrawal from Europe, and to a Soviet advance, in time, to the English Channel.)

Gerstenmaier's second suggestion is that Western recognition of the East German Republic could be bargained against political concessions to the people of East Germany. What such concessions might mean has been plainly enough suggested by last week's trial of the five Dresden students who dared to work out their own plan for a synthesis of East German Communism and West European Socialism. Five young men, not one of them over 21, were sentenced to a total of 37½ years' imprisonment on faked charges. Gerstenmaier is a realist; he must know that it is useless to go on demanding full democratic rights for the people of Eastern Germany when the lapse of time will gradually kill the desire for such rights. It is all too easy to look on freedom of thought, word, the press and religious belief as self-evident requirements of the average human being; when they have been suppressed for 15 years, the need for them becomes less obvious.

WHY have these cracks in the glacier, straws in the wind, appeared now—just when Dr. Adenauer is demanding firm, tight-lipped silence?

First because, although still little and badly publicized in Western Germany, the Macmillan Plan has begun to have some impact. This is not simply because it could bring—with a 200-kilometer-wide zone in which military forces would be limited, equalized and inspected on both sides of the Iron Curtain—a real relaxation of military and political tension. Its great attraction lies in the fact that the plan offers the Western Powers the chance to take the diplomatic initiative by saying to the Russians, "You say that NATO is aggressive. We say it is not. Then come and look at the NATO forces on the ground. All we ask in return is the same right to inspect Warsaw Pact forces which shall be kept to equivalent strength." Plenty of Germans are beginning to see that this approach—although it clearly will not bring immediate agreement—can make it plain that the West is thinking constructively and coherently about a settlement of the German question.

The second reason for a change in Bonn's political climate is another by-product of Mr. Macmillan's diplomatic activity. His Moscow visit is now, for the first time, being acclaimed by some Germans as a success (at first, almost all Germans regarded it as an act of overt treachery or pure foolishness allied to a desire to win the next British General Election). Here again, Dr. Gerstenmaier has produced the relevant reflection. He stated that the visit to Moscow of Social Democrats Carlo Schmid and Fritz Erler (his political opponents) was "one of the most significant events of the last few months." Of course, Gerstenmaier does not imagine that the two men achieved a striking success in Moscow. They returned, indeed, in a depressed frame of mind, but convinced that straight personal talk with the Soviet leaders was worthwhile.

In the third place the interest of the Bonn Government parties in finding a new constructive solution of the Berlin and German questions has been stimulated by Russian relaxation over Berlin. Khrushchev has removed his threatening deadline of May 17 for unilateral alteration of Berlin's status. He has said that the Western Governments still have certain rights as "occupiers." He has postponed direct action indefinitely, for as long as the East and the West are discussing the German question. This has robbed Dr. Adenauer's policy of uncompromising rejection of all Soviet demands and overtures of some of its force.

All this does not for a moment mean that the Government parties are thinking in terms of a complete reversal of policy. Especially with regard to Berlin the virtues of absolute firmness are being preached with the same force as before. Lord Mayor Willy Brandt has said that Berlin's status should be maintained while plans are worked out for German reunification and a German Peace Treaty, this status, if possible, to be confirmed by a written agreement between the Western Powers and the Soviet Union. But Western garrisons should stay there, whether or not the United Nations is asked to underwrite this arrangement and regard those garrisons as their "trustees." It remains true that the possibilities of negotiation over Germany as a whole are as great as those of negotiating over Berlin are limited, and Western concessions over Berlin will not pave the way to a settlement in Germany.

TERENCE PRITTIE

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The New-Style "Administrative" Inflation

by GARDINER C. MEANS

"ADMINISTERED PRICES" *is not a new term—it was coined by economist Gardiner C. Means in 1935—but it has acquired new relevance in the debate surrounding the steel wage negotiations scheduled to begin May 5. Dr. Means' analysis of the nature of the present inflation underlies two far-reaching Congressional proposals for heading off price increases in key industries. Sen. Joseph C. O'Mahoney's legislation to require 30-day advance notification and justification of price increases before the Federal Trade Commission and a similar proposal sponsored by Sen. Joseph Clark and Rep. Henry Reuss empowering the President to designate an agency of his choice to hold hearings on pending increases are commanding serious legislative attention: "If prices in the administered area continue to march upward at anything like the pace of the last few years," writes Edwin L. Dale, Jr., in* The New York Times, *"there is a real prospect that Congress will demand direct action."*

Dr. Means is the author of The Structure of the American Economy *and co-author with A. A. Berle of* The Modern Corporation and Private Property *and is a consultant to the Committee for Economic Development. His article is drawn from recent testimony before the Joint Economic Committee and the House Government Operations Committee.*

RECENTLY *The New York Times* in a remarkable editorial described the "extremely serious dilemma" presented to the Federal Reserve Board by the new type of inflation which has come to be referred to in Washington as administrative inflation. The editorial points out that "general credit controls are too blunt an instrument for dealing with this type of price rise. If applied with sufficient vigor they can slow down the whole economy and produce widespread disemployment."

Two days before, *The Washington Post* spoke editorially of "a growing consensus that present fiscal and monetary controls of the government simply cannot cope with the administered price sector of the economy where concentrated industries like steel can, as they have shown, defy sagging demand, increase prices and profits and thus seriously retard economic growth." *The Post* warned

> . . . The issue is joined. If the makers of steel and autos and other heavy manufacturing and the unions which serve these industries will now acknowledge their power, and accept the social responsibility that goes with it and discharge it in the public interest, the American economy can avoid further regimentation and control. If they will not Congress and the Administration will be under mounting pressure to devise effective restraints.

This revolution in economic thinking grows out of two years of hard work by the Senate Antitrust and Monopoly Subcommittee under the chairmanship of Senator Kefauver. The Subcommittee has demonstrated through the testimony of leading economists that in recent years the inflation in wholesale prices has been largely in the concentrated industries—a product of administrative discretion rather than of excess demand (see Chart I). Steel alone accounted for nearly a quarter of the rise in the index and the steel and steel-using industries accounted for two-thirds of the rise. Each of the administration dominated groups rose substantially. In contrast, the market dominated groups rose little or actually fell in the same period. This is what is meant by an *administrative inflation.*

There are three types of inflation that need to be distinguished. First there is the classical type of inflation in which there is too much money chasing too few goods. This is a demand or monetary inflation. I believe there is a general agreement among economists that if you *start* with full employment, the effect of an unbalanced budget and an easy monetary policy is to generate this kind of inflation. Also I believe there is general agreement that, under normal circumstances, a balanced budget and a tight money policy can prevent this type of inflation. This was the kind of inflation we had after the Second World War and again in the Korean War. Also there is a good deal of evidence that these classical inflations were over by 1953 and that by then the prices of commodities at the wholesale level had in very large measure adjusted to the new price level.

A second type of inflation is the rise of market-dominated prices in a recovery from a recession or depression. This type of inflation is often called a reflation because, unlike a monetary inflation which is harmful, it is a normal and necessary part of the process of economic recovery. Such a reflation does not involve a rise, or as much of a rise, in the inflexible administered prices since they do not usually drop as much as market-dominated

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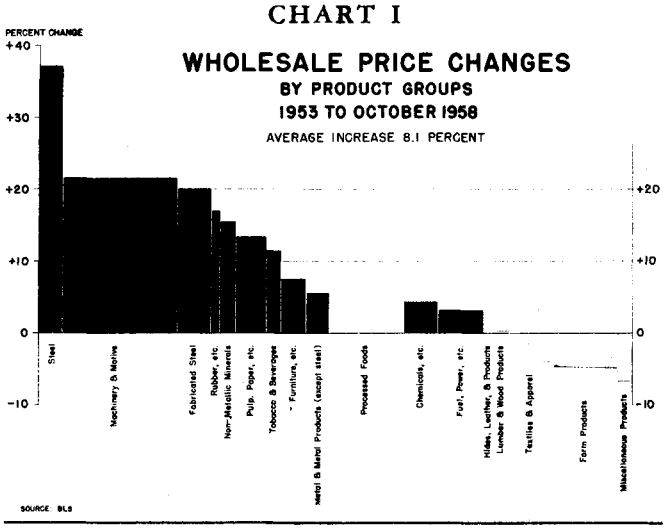
CHART I



prices in a recession. Of course, a balanced budget and a tight money policy could stop such a rise of market-dominated prices but only by stopping the recovery and allowing unemployment to remain high.

The third type of inflation has been called an administrative inflation and involves a rise in prices in the more concentrated industries where there is a considerable area of discretion within which pricing policy can be made. Such pricing power clearly exists in such concentrated industries as steel and automobiles. It could also exist where markets are local and a few producers dominate the market. If this type of inflation occurs by itself, it involves a specialized price rise with the administration-dominated prices rising while market-dominated prices rise little or even fall. Such an administrative inflation could result from excessive wage increases or from business efforts to increase profit margins. But this kind of inflation does not come from a general excess of demand and it cannot be halted by contracting demand except by creating unemployment. Indeed, there is some question whether even a very sizable amount of unemployment could prevent an administrative inflation. Control of *this* type of inflation by a balanced budget and tight money can only succeed through high unemployment and may not succeed even then.

The relation among these three types of inflation should be noted. Classical inflation and reflation are, by their nature, exclusive since a classical inflation starts with full employment while reflation ends with full employment. On the other hand, an administrative inflation can accompany either or even occur when there is a general deflation in progress.

The accompanying charts help to emphasize the difference between a classical inflation and an administrative inflation. The first two charts concern the period of inflation following the Second World War and the start of the Korean War. The inflation of this period was classical in its source, with too much demand seeking too few goods. Also it was classical in its results—a more or less general lift in the price level.

The first thing to notice in Chart II is the relatively general character of this classical inflation. With the exception of the extremes of lumber at one end and rubber at the other, there is a considerable similarity in the price movement. Seventy percent of the groups by weight rose between 49 and 77 percent. This is very much the result to be expected from a typical classical inflation. The difference in percentage increase for different groups presumably reflects the special conditions of supply and demand affecting each group, in addition to the general inflationary forces operating on all groups. Indeed these differences involve the kind of relative price adjustments which could be expected in the absence of inflation.

A second thing to notice is that there is no tendency for the administration-dominated prices of concentrated industries to behave differently from the market-dominated prices of the non-concentrated industries. The black columns in the chart represent price groups in which administration-dominated prices are in heavy predominance; the light gray, those in which market-dominated prices prevail; and the dark gray, those with a more equal mixture of both types. As can be seen, some of the black groups went up less than average, others more. Some of the light gray went up less, some more than average. There is no evidence here of a significant difference in the behavior of the market-dominated and the administration-dominated prices. This further emphasizes the general character of this classical inflation so far as the end results are concerned.

When we look at the process of inflation, however, we find a quite unclassical difference in behavior between market- and administration-dominated prices. In the beginning of a monetary inflation, market-dominated prices tend to rise more rapidly while administration-dominated prices lag well behind. Then, in a period of readjustment,

CHART II

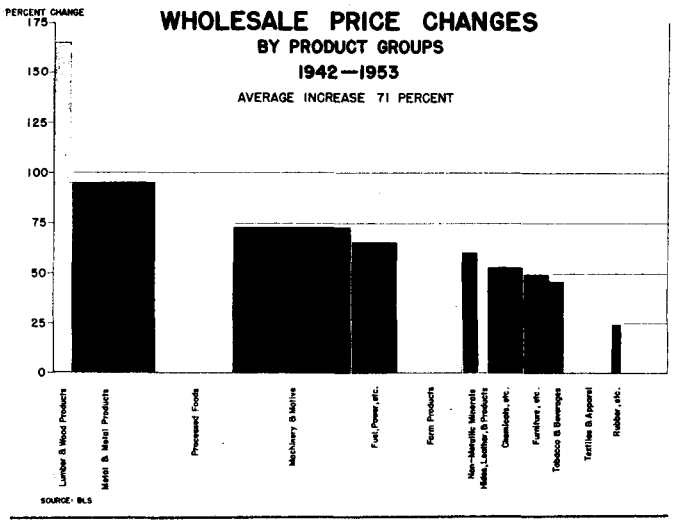


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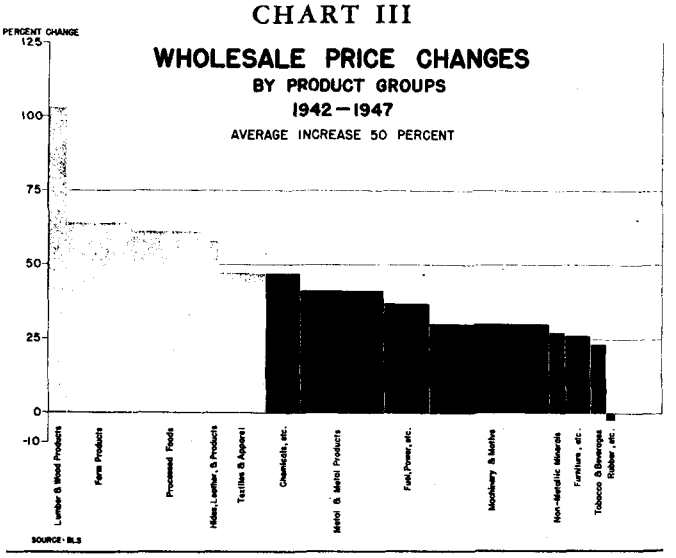
CHART III



market-dominated prices fall back while administration-dominated prices continue to rise until the two groups are more nearly in balance. The first stage in this process is shown in Chart III. This chart does for the period 1942-1947 what Chart II does for the whole period. As can be seen, the price indexes for the market-dominated groups as a whole rose much more rapidly than the price indexes of the more concentrated industries. Thus, the behavior of administration-dominated prices helped to slow up the classical inflation rather than to initiate it. Only in the later stages did they catch up. This differential behavior in a classical inflation needs to be emphasized because it is so different from the differential behavior of these two groups of prices in the more recent inflation.

Charts IV and I show the same kind of analysis for the inflation since 1953. Chart IV shows the changes in prices from 1953 to 1957 and Chart I shows changes from 1953 to October, 1958. The year 1953 rather than the first half of 1955 was used as the starting point because there was a considerable amount of administrative inflation between those two periods which was covered up in the wholesale price index by the fact that reflation from the 1954 depression was not complete until the middle of 1955.

The story told by Charts IV and I is clear. In the price increase from 1953 to 1957, shown in Chart IV, the six administration-dominated groups rose most, the three mixed groups rose to an intermediate degree and the market-dominated groups rose little or actually fell. In Chart I the comparison has been extended to October, 1958, and also the Metal and Metal Products group has been broken into Semifinished and Finished Steel, Fabricated Steel, and Metal and Metal Products (except steel) in order to bring out the important role played by steel prices in this period. Again the evidence clearly points to an administrative, not a classical, inflation.

The same differential phenomenon appears in the 1957-58 recession. The table below compares price changes from the second quarter of 1957 before the sharp recession began to the second quarter of 1958 when industrial production reached its lowest point (the analysis is limited to industrial products since, as the President's Economic Report points out, the prices of farm and food products reflect the sizable contraction in the supply of certain farm products, notably a short supply of fresh fruit and vegetables, due to bad weather conditions and the short supply of cattle).

During this year of recession the industrial price *average* was very stable. But this stability of the industrial price index was a product of two opposite and offsetting developments, a continued inflation of administration-dominated prices and a deflation of market-dominated prices.

In the partial reflation period since last spring, the administrative inflation appears to have continued along with some reflation of market-dominated industrial prices, a compound movement which has been masked in the wholesale price index by the offsetting fall in the indexes of farm and food products as the particular scarcities of last spring have disappeared.

The importance of distinguishing among the three types of inflation lies in the factor now coming to be widely accepted, that while a tight money policy may be able to control a demand inflation, it cannot control an administrative inflation. It has become clear that limiting demand by a tight money policy can create depression and unemployment without bringing a stop to administrative inflation. Thus, the steel industry last summer raised its prices three percent in spite of the fact that its operations were down to 60 percent of capacity and in spite of the great price increases that had already occurred since 1953.

Also, as I pointed out in my testimony of March 10 before Senator Kefauver's Committee, there is convincing

Price Change	*2nd Quarter 1957 to 2nd Quarter 1958*
Semifinished and Finished Steel	+4.1
Machinery and Motive Products	+3.0
Tobacco Manufactures and Bottled Beverages	+2.7
Fabricated Steel	+2.7
Furniture and other Household Durables	+1.4
Pulp, Paper and Allied Products	+1.3
Chemicals and Allied Products	+1.2
Hides, Skins, Leather and Leather Products	+ .9
Non-Metallic Minerals	+ .3
Rubber and Rubber Products	— .4
Textile Products and Apparel	—2.0
Lumber and Wood Products	—3.2
Fuel, Power and Lighting Materials	—6.7
Metal and Metal Products (except steel)	—9.9
Farm Products	+7.8
Processed Foods	+7.0

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evidence that there has not been demand inflation at any time in the last six years. For example, 1953 was a year of high employment without inflation, as the President's Economic Report for January, 1954, makes abundantly clear. In every year since 1953 unemployment has been practically a million or more greater than the 1.9 million unemployed in 1953. Manufacturing capacity has expanded faster than production since 1953, and at no time since 1953 has demand been pressing on the labor supply or manufacturing capacity as hard as it did in 1953 when there was no inflationary pressure.

Finally, I want to emphasize the impotence of the Federal Reserve Board to control administrative inflation. For most of the time since late 1955 there has been a tight money policy with a high discount rate; there has been a shrinkage in the real money supply; and there has been a mild stagnation or depression in industrial output. Yet administrative inflation continued. Clearly the tight money policy was not successful in stopping administrative inflation.

In this context of simultaneous administrative inflation and depression, the recent proposal by Rep. Henry Reuss (D, Wis.) and Senator Joseph Clark (D, Pa.) for hearings on impending price and wage increases assumes great importance. But I wish to draw a very sharp distinction between the immediate problem of preventing administrative inflation, so that monetary and fiscal measures can be used to bring about full employment, and the more basic but not so immediately pressing problem created by the pricing discretion in concentrated industries.

The Senate Antitrust and Monopoly Committee is continuing its hearings on the latter subject and has not only disclosed the administrative character of the recent inflation but has made considerable progress on the more basic problem. Time, however, will be required to work out a satisfactory solution, and whether the hearing function such as is authorized in the Reuss-Clark legislation will enter into the solution remains to be seen.

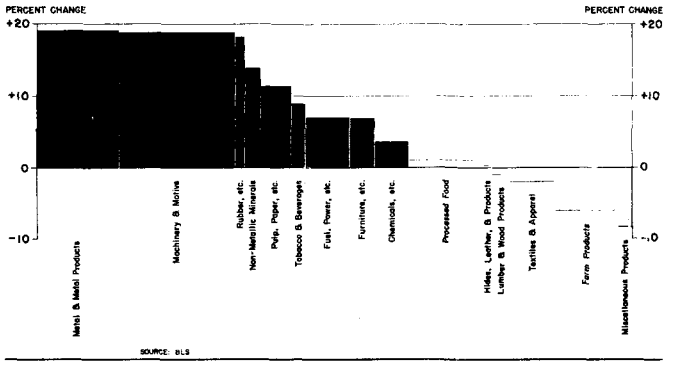
CHART IV

WHOLESALE PRICE CHANGES

BY PRODUCT GROUPS

1953–1957

AVERAGE INCREASE 6.8 PERCENT



However, for the immediate problem of achieving full employment without serious administrative inflation, I regard public price hearings and publication of the facts as having an important role to play. I would be very strongly against the adoption of price and wage *controls* except as a distant and last resort when other measures had failed. But public hearings on prospective or actual price increases (and where necessary, wage increases) could serve a very useful purpose where there was serious danger that such increases would threaten the stability of the economy and impede economic recovery. I would not contemplate a large number of hearings in any one year, but I would expect that the relevant data on costs, wages, and productivity would allow the public to distinguish between legitimate and non-legitimate price increases and bring home to those in control in the concentrated industries the policies which would represent responsible behavior toward economic recovery.

Also I believe the effectiveness of such hearings could be reinforced if some of the joy in raising administered prices to increase profits were removed by adopting a graduated anti-inflation tax. The evidence presented before the Senate Antitrust and Monopoly Committee makes it clear that the concentrated industries are the chief source of administrative inflation. Therefore an excess profits tax limited to the larger corporations, say those with assets over $100 million, could be effective. Presumably it would only be operative for profits above an ample rate of return on capital and then would take an increasingly large proportion of the excess as the rate of return was higher. Such a tax would reinforce the effect of hearings on specific prices. It is quite possible that these two measures alone would be sufficient, along with the public education involved, to prevent serious administrative inflation while monetary measures were used to expand demand to the extent required for full employment.

Also the basic purpose of these measures could be strengthened by one additional action. At the present time there is a great ambiguity as to the responsibility of the Federal Reserve Board with respect to inflation. The Employment Act of 1946 places on the Board (as on other agencies of Government) responsibility to aim its policies at "maximum employment, production and purchasing power." Also it is generally accepted that there is an implicit direction to maintain price stability. Since the Board does have the powers which could prevent inflation without creating excessive unemployment, the direction to aim at higher employment and price stability involves some measure of contradition. It would be possible to remove this contradiction by a Joint Congressional Resolution which:

1. Distinguished between demand and administrative inflation.
2. Absolved the Federal Reserve Board from responsibility for controlling administrative inflation and

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reiterated its responsibility for aiming its policies toward achieving high employment and preventing demand inflation.

3. Accepted the responsibility of the Congress to find other ways to prevent serious administrative inflation.

With such a directive the objectives of the Board would be clear and, in my opinion, it could adopt policies which would bring about full employment without demand inflation while these other measures prevented serious administrative inflation.

Some people have suggested that, because of administrative inflation, we have to choose between price stability and underemployment on the one hand and full employment and creeping administrative inflation on the other. These do not seem to me to be the only choices. I believe it is well within our power to bring about both full employment and a stable price level. In searching for a solution the Congress should distinguish between temporary measures which would allow the expansion of demand through fiscal and monetary means without engendering further administrative inflation—even though such measures might not have long-run value—and a more permanent solution which is likely to develop only out of extensive study of the problem. Such a solution is not likely to be a simple one if the values of free enterprise and the efficiencies of big business are to be preserved.

In Double Jeopardy

by LOUIS H. POLLAK

MAYBE, BECAUSE of the ongoing great debate, anything the Supreme Court does is newsworthy today. It is gratifying, certainly, that public interest in the work of the Supreme Court does not begin and end with the *Segregation Cases*, with cases curbing state and federal legislative investigations, or cases limiting the Smith Act. Important as these issues are, they are only a portion of the public business conducted by the nation's highest tribunal. Increasing public awareness of the variety of the judicial diet is encouraging. Nevertheless, it is a matter of some surprise that the so-called "double jeopardy" cases decided by the Court four weeks ago occasioned widespread interest. What the Court there did was to uphold—over substantial dissent—the power of a state and of the United States each to try and to punish the same person for the same criminal behavior, where that behavior is offensive both to local and to federal statutes. It may seem curious to those who have not considered the problem that one act can generate two prosecutions and two prison terms. Nevertheless, the constitutional lawyer of a generation ago could offer indulgent assurance that the Court's conclusion was, in the lingo of the trade, "settled law"—that surprise lay only in the Court's bothering to reappraise the problem, and certainly not in the result.

However this may be, the good grey *New York Times*, whose Anthony Lewis covers the Court with such skill, thought the recent decisions so important as to warrant printing some of the opposed opinions *in extenso*. A cynic might say that the news value of the cases lay in the Court's adherence to precedent. But it is more likely that the cases are important because the opinions delivered reflect powerful and deeply held attitudes about the nature of the American confederation and the character of those rights which may properly be deemed fundamental.

The Supreme Court had before it two criminal prosecutions, one in a federal court and one in a state court, which most of the justices—in majority and in dissent—seemed to regard as presenting adverse aspects of a single constitutional issue.

In *Abbate* v. *United States*, Abbate and Falcone were tried in an Illinois state court for entering into a conspiracy in Chicago, with a union official, to blow up telephone lines located in Louisiana, Mississippi and Tennessee. After entering pleas of guilty, the two were sentenced to three months in an Illinois prison. Thereafter they were tried in a federal district court and convicted, on the same facts, of the federal offense of conspiring to destroy telephone lines "operated and controlled by the United States."

In *Bartkus* v. *Illinois*, which the Supreme Court considered together with the *Abbate* case, the sequence was transposed. Bartkus, tried initially in a federal district court in Illinois, was charged with the federal offense of robbing a federally insured savings and loan association. The jury evidently believed Bartkus' alibi, for it con-

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victed his alleged confederates but acquitted Bartkus, thereby earning itself the severe censure of the federal judge. The disappointed federal prosecutors hunted up more compelling evidence and brought the case to the attention of state prosecuting officials, who saw fit to proceed against Bartkus for the identical offense under Illinois law. This time Bartkus was convicted.

FROM a doctrinal point of view, the most convenient point of departure for an understanding of these two cases is the mandate of the Fifth Amendment to the Constitution (the Fifth Amendment is not solely concerned with self-incrimination) that no person shall be "twice put in jeopardy of life or limb" for the same offense. These quaint 18th Century words have long been understood to mean that a federal criminal trial which ends in acquittal or in an unreversed conviction bars any further federal prosecution for the same crime. In short, federal prosecutors are not at liberty to retry a man once convicted in hopes of getting a harsher sentence. Nor may they seek out a less charitable jury to find guilt where an earlier panel has been unpersuaded.

This means that the second prosecutions of Abbate and Falcone, on the one hand, and Bartkus on the other, would have been barred had both phases of each case taken place in federal courts. But in *Abbate* the first prosecution, and in *Bartkus* the second, had taken place in the Illinois state courts.

For Chief Justice Warren, Justice Black and Justice Douglas, this was a distinction without a difference. The purpose of the double jeopardy clause was plainly to prevent repeated harassment of one accused of crime, and the fact that one prosecution was under the aegis of the United States and another under the aegis of Illinois (or Louisiana, or Mississippi, or Tennessee) could do nothing to mitigate the torment of a second trial. According to a view of the Constitution which Justices Black and Douglas have vainly urged on their brethren for more than a decade, all of the provisions of the Fifth Amendment and of all the rest of the Bill of Rights—although apparently initially directed only at the national government—also became limitations on the several states by virtue of the enactment of the Fourteenth Amendment following the Civil War.

But even under the prevailing view, which rejects this all-inclusive argument, the Fourteenth Amendment's due process clause still is understood to bar state interference with fundamental rights and liberties. And the history of the Amendment's interpretation in the Supreme Court has largely been a process of marking out those rights of highest premium — freedom of speech and worship, separation of church and state, the right to counsel in capital cases, the right to an impartial judge and jury—which are inherent, in Justice Cardozo's words, in "the concept of ordered liberty." Of such a dignity, so the dissenters urged in the Abbate and Bartkus cases, is the right not to be twice placed in jeopardy for the same offense.

To put the problem in double jeopardy terms is convenient, for it invokes a familiar constitutional rubric, but it also serves to oversimplify and thereby conceal what is really at stake in these cases. For the question is *not* whether the United States can try a man twice, *nor* whether Illinois can. The real question is whether Illinois and the United States each has an interest in enforcing its own penal laws great enough to warrant a prosecution by *each*, in those instances where the national and local codes overlap.

To this question Justice Brennan, for a majority of the Court, gave an affirmative answer in *Abbate*, thereby sanctioning a federal conviction in addition to a state conviction. And to the same question Justice Frankfurter also gave an affirmative answer for a majority of the Court in *Bartkus*, thereby sanctioning a state conviction following a federal acquittal.

The affirmative answer proceeds from the fact that our federalism is not as neatly compartmentalized as diagrams suggest. Many law enforcement problems other than those presented in these two cases—kidnaping, narcotics, and car thefts, to name some familiar instances—are matters of joint concern. Doubtless friction could be eliminated by having Congress take to itself exclusive cognizance of all law enforcement problems affecting the national welfare in any degree. But friction would be exorcised at the expense of traditional local responsibility for local police matters—and at the hazard of aggrandizing the central national police establishment. After all, as Justice Brandeis once observed, a basic postulate of the constitutional distribution of governmental power "was not to avoid friction, but by means of the inevitable friction . . . to save the people from autocracy."

So viewed, the issues presented by these cases take on a very different cast. Illinois very possibly has a cognizable interest in punishing people for meeting in Chicago to plan illegal activity—even where that activity involves the demolition of telephone lines located far away. Certainly Mississippi, Tennessee and Louisiana, where the targets were located, should also be entitled to suppress such conspiracies. But just as certainly the United States has a separate and important interest in protecting facilities it uses. Messrs. Abbate and Falcone were offending many different interests, each of which was entitled to vindication.

But to sustain the convictions of Abbate and Falcone does not compel acquiescence in the conviction of Bartkus, although the Supreme Court seemed to regard this as a cognate conclusion.

Abbate and Falcone had been tried once and *convicted*. They were, by hypothesis, guilty of conspiracy: the question was whether their single criminal transaction could

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be separately punished at the hands of each affected government. Bartkus had been tried once and *acquitted*. Assuming that first trial to have been a fair one, the proper inference is that a federal jury sitting in Illinois was not convinced beyond a reasonable doubt that Bartkus had committed robbery. The jury may, indeed, have been actively persuaded of his innocence, but of this one cannot be sure. The question thus presented is whether Illinois has so little reason to trust the efficacy of a federal prosecution (or vice-versa, in the reverse case) as to outweigh the strong feeling current in our society that retrial of a man who has been acquitted is the grossest sort of harassment. To answer this question in the affirmative supposes a disparity between state and national law enforcement which is certainly not readily demonstrable; moreover, for present purposes it would assume a disparity in favor of the state system, while in a future case in which the initial acquittal was in a state court, the assumed disparity would have to be reversed.

The question has been so framed as to suggest that retrial of a man who has been acquitted is offensive to our sense of common decency. Not just offensive, but so much so as to be deemed inconsistent with due process limitations which bind both state and nation. But surely this would not be a radical expansion of due process. Half a dozen years ago Justice Frankfurter observed in a due process case that "A state falls short of its obligation when it callously subjects an individual to successive retrials on a charge on which he has been acquitted."

In the present context, one can only escape the force of this conclusion by finding significance in the fact that the two prosecutions are initiated by different governments. This is a fact of undeniable weight when the question is whether cumulative punishment is appropriate for one whose single guilty act has jeopardized the very distinct interests of different sovereigns. But it is a fact which evaporates when the question is whether one government's judgment of acquittal is entitled to "full faith and credit" in the courts of the other. At this level the likeness between an Illinois state court and an Illinois federal court transcends the differences, especially when the unfairness of repeated prosecutions is thrown into the balance.

RECOGNITION that successive prosecutions are alien to the American spirit is implicit in an unusual postscript to these cases. A week after they were decided, Attorney General Rogers made public a directive to his United States Attorneys and Assistant Attorneys General, summarizing the Court's holding and adding a *caveat:*

> Applied indiscriminately and with bad judgment it, like most rules of law, could cause considerable hardship. Applied wisely, it is a rule that is in the public interest. Consequently, as the court clearly indicated, those of us charged with law-enforcement responsibilities have a particular duty to act wisely and with self-restraint in this area. . . . No federal case should be tried when there has already been a state prosecution for substantially the same act or acts . . . without having it first brought to my attention.

The Attorney General's exercise of a prosecutor's discretion not to prosecute cannot, of course, bind state prosecutors where the federal trial has come first. But the Attorney General may well be able in practice to indicate standards which will be persuasive upon his state counterparts. Especially it may be hoped that the Attorney General will insist on the distinction, which the Court failed to draw, between initial convictions and initial acquittals. Evaluating acquittals may not always be easy, when the elements of state and federal crimes do not closely coincide, but the task is not insurmountable—and the presumption should be in favor of giving an acquittal full scope.

Also it may be hoped that the Attorney General will curb the spirit of retribution which, in Bartkus, led federal officers to prod Illinois prosecutors into action after a federal acquittal. Cooperation between national and state law enforcement officials is doubtless desirable in most contexts. In the *Bartkus* case, however, the federal stamp upon the state prosecution was so marked that Justice Brennan—who wrote for the majority in *Abbate* —dissented on the theory that the state trial of Bartkus was essentially a second federal prosecution barred by the double jeopardy limitation on national power.

The *Bartkus* case is notable for another reason—one quite distinct from those which have been considered. The case was argued and then reargued before the Supreme Court by a court-appointed lawyer, Walter T. Fisher, one of the distinguished leaders of the Illinois bar. As the Court appropriately observed, Bartkus' cause was presented "with conspicuous ability."

There are occasions when minor criminals, whose cases happen to be the vehicles of great issues, are represented by a Walter Fisher, a Dean Acheson, a Charles Horsky, a Herbert Wechsler. But these occasions are too few. In the cases raising great questions of procedural due process, as in those raising great questions of free speech, this generation's leaders of the bar have tended to be conspicuous by their absence. Many of them, indeed, are to be found warming their hands at the campfires of the American Bar Association, taking time out occasionally to hurl a brick at the United States Supreme Court.

If the Supreme Court, like any other human institution, occasionally lapses into error, it might be less likely to do so if the legal profession as a whole, acting in the tradition which was exemplified by John W. Davis and Charles Evans Hughes, were more faithfully to discharge its public obligation of rendering assistance to the Court.

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BOOKS & COMMENT

Ordeal by Rumor

by Charles Curran

EASTBOURNE is a town on the south coast of England that is dedicated to the euthanasia of the rentier. Most of its inhabitants are rich, lonely and old. They have retired from life, and settled there in order to keep death at bay. What gambling is to Las Vegas, and conjugation to Hollywood, so are the intimations of mortality to Eastbourne; the universal topic, the furniture

The Trial of Dr. Adams
by Sybille Bedford
(Simon & Schuster; $3.75)

of every mind, a theme that never palls. In its winter sunshine, tamarisk shrubs bloom like the asphodel meadows outside the entrance to Homer's underworld—a portent and an omen. It is a town that lives in frightened familiarity with death.

That was the reason why Dr. John Bodkin Adams stood trial for murder. He was an Eastbourne medical practitioner; and he was accused of killing one of the rich old people who were his patients—a widow of 81 namd Mrs. Alice Morell. She had died six years before his trial began in 1957, but the gap in time had been filled by a cloud of rumor. The gossip-laden air of the town preoccupied with death surrounded Dr. Adams like a fog. Rumor said that he had persuaded Mrs. Morell to make a will leaving him a big legacy, then brought her life to an end; and that he had gone on to do the same thing with other wealthy patients. Eastbourne vibrated with whispers about the doctor's death-beds, tales of poison, paralysis and rich bequests. He was the victim of verbal germs.

Rumor led at last to his arrest. He protested his innocence; and he turned for help to his own profession. He is one of the 44,000 English doctors who pay each year a six-dollar subscription to a Medical Defense Union that guarantees legal aid when needed. The Union gave him value for his money; its total expenditure on his behalf is estimated at $60,000. The lawyers whom it hired for him began by taking steps to inoculate him against rumor. In the ordinary way, Dr. Adams would have been tried at a court near Eastbourne. But his lawyers argued that any local jury would be, in all probability, rumor-infected. Therefore, they made a successful application to have his trial moved to the Old Bailey in London, 65 miles away.

The Old Bailey (the word means a fortified enclosure) is the most famous criminal court in Britain. Men with names familiar to every connoisseur of unnatural death have occupied the dock where Dr. Adams stood—among them Crippen the wife-killer, Seddon the poisoner, brides-in-the-bath Smith, Christie the necrophilist. Already, his trial is just as much a classic as any of theirs. But it had four features that differentiate it from all of them. It ended in a verdict of not guilty. It was the longest murder case in Old Bailey annals, for it lasted 17 days. It was a case without a corpse, for Mrs. Morell had been cremated at death, and her ashes scattered over the English Channel. Finally, it has produced, in this book by Miss Sybille Bedford, a descriptive account unique in all the literature of criminology.

German-born Miss Bedford made the London critics sit up in 1956 with a first novel called *A Legacy*. (Evelyn Waugh hailed it as "a book of entirely delicious quality—new, witty, elegant.") In *The Trial of Dr. Adams,* she puts her talent to work as a reporter. Having watched the trial from beginning to end, she passes it through the prism of her mind, breaks down its complexities into lucid simplicity, eliminates its legal *longueurs,* lays bare all the salient facts in taut, stripped prose. She narrates the story day by day, as she saw and heard it from the press benches that she shared with newspapermen from many countries. She records their muttered asides—in English, French, Italian, demotic American—and she uses these *sotto voce* comments in order to side-light the shifting tensions of the trial. By this device, she turns the reporters into a Greek chorus with ballpoint pens.

Her eye is sharp, her ear unerring she is as sensitive as a photographic plate linked to a tape-recorder. Thus, she looks at Dr. Adams—that bachelor of 58, sitting in the dock with his "large, blank, sagging face"—and hears him tell the judge "I am not guilty, my lord." She notes that he makes this plea in the greatest possible number of words. She watches him as he listens "like a contained explosive" to the prosecution's case, and she comments:

> He did not fidget, and he did not move, but his face reflected that a remarkable degree of impassivity was maintained by will against an equally high degree of pressure from within. At certain assertions, his mouth compressed slowly and hard, and he shook his head to and fro, almost swinging it as if prompted by an inner vision that did not correspond with what he had to hear.

This headshaking "seemed to express sorrow, anger, primness and exasperation all at once. It was oddly convincing."

THE HERO of Miss Bedford's medical melodrama is Mr. Geoffrey Lawrence, the leading counsel for Dr. Adams. He is one of the heavyweights of the English Bar, and he gradually emerges from her pages as an intellectual prizefighter, a Socratic cross-examiner who reasons his way to victory in every round. The case he had to meet was, at first sight, overwhelming. Each of the three nurses who had attended Mrs. Morell went into the witness-box to testify against Dr. Adams. Then the prosecution called Dr. Arthur Henry Douthwaite, senior physician at Guy's Hospital in London, one of Britain's most eminent authorities on the use of drugs in medicine. Dr. Douthwaite's evidence, if the jury accepted it, was conclusive, irresistible, and damning.

In the Staff College where British Army officers are trained, there used to be an exercise called "The Defense of Duffer's Drift." The purpose of this was to teach the neophyte Napoleons that a military position which

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looked, at first sight, completely hopeless could be nevertheless made impregnable. Mr. Lawrence's defense of Dr. Adams was the legal equivalent of Duffer's Drift. It will become a *locus classicus* of advocacy. It was a feat all the more impressive since it was achieved solely by destructive logic, without rhetoric or emotionalism. (So confidently did the lawyer rely on this one weapon that he refused to put Dr. Adams into the witness-box. Such a refusal, by a defending counsel in a British murder trial, is rare indeed. For it incurs the risk that the jury may equate silence with guilt.)

Miss Bedford's feat is just as impressive. For she makes this logical battle fascinating and absorbing. Her picture of the trial shines with a glitter that puts you in mind of a Socratic encounter. She is interpreter as well as spectator. Her analytic prose conveys both the cold, cerebral excitement of the doctor's defense and the throbbing tensions that it set up in the court. It is a report on two levels at once. Nowhere is it more vividly effective than in her account of Dr. Douthwaite under cross-examination by Mr. Lawrence. This was a clash between masters, a dialectical duel of mind against mind—stroke, parry, counterstroke, with every phrase a rapier. Miss Bedford makes it as thrilling as a cliff-hanger. Out of questions and answers about drugs and doses, she creates suspense that becomes intensified almost line by line. The result is that *The Trial of Dr. Adams* holds the reader's attention in a grip that becomes tighter with every page. It is a startling display of literary skill.

Philosophy—"Narrow" and "Broad"

by Harold Weisberg

IF philosophers have never been kings, neither have they been as far removed from power and prestige as analytic philosophers are today. Whatever movements of thought do influence both the learned and unlearned communities of our day, it is quite apparent that neither the formal discipline of American analytic philosophy nor the "ordinary language" analysis of British philosophy ranks very high among them. Almost wholly in contrast to the theologians, literary critics, poets and assorted Zen Buddhists who speak directly, if obscurely, to the continuing crisis of the times, analytic philosophers, it seems, have grown increasingly provincial and "academic," limiting their work and interests to the rather narrow domain of the learned journal, the seminar room, and perhaps the digital computer. As such they are under constant criticism from the more existential, literary and theological intellectuals, as well as from the more old-fashioned liberals and socialists, for replacing substantive issues with purely verbal ones and for refusing to take a philosophical stand on some of the major social questions which perplex all of us or the problems of the meaning of existence which perplex some of us. They are accused of a kind of philosophical escapism from the bitter world of difficult social issues, by playing language games in the dead-end streets of philosophical inquiry.

Religion, Politics and The Higher Learning
by Morton White
(Harvard; $3.50)

These criticisms are surely both harsh and unjust, and often represent a failure to understand, or perhaps even a desire not to understand what is going on in the complicated field of analytic philosophy. But they do point up the new poverty of philosophy; a poverty of cultural influence and ideological recognition in the midst of a magnificent plenty of analytic achievement. It is this poverty which Professor White finds deplorable and which prompts the publication of this modest collection of essays. He wishes to enter a "plea for greater philosophic interest in the problems of history, education, politics, law, and religion"; and to indicate to the general reader something of what has been going on in recent analytic philosophy and what the methods of analysis can contribute to the clarification of dominant issues in religion, politics and the higher learning.

Professor White's book is most welcome, not only for the intrinsic value of individual pieces, but especially for the central thesis which he develops: that contemporary analytic philosophers must become more profoundly involved in the "soft subjects" of a variety of social sciences and cultural disciplines. White does not come as a know-nothing critic of analytic philosophy, but as a practicing analytic philosopher who has made important contributions to both the "narrow" and "broad" domains of philosophy. He has profound respect for the logical and linguistic interests of contemporary philosophers and is far from suggesting either that such pursuits are trivial or that any important work in philosophy can be done today without competence in such matters.

On the contrary, he suggests that the success of analysis in attacking a host of epistemological problems should predispose us to believe that methods of analysis can be equally successful in approaching problems in law, education, religion and politics. But it is not only his conviction that philosophical analysis can be helpful in addressing problems currently monopolized by theologians, existentialists, myth-makers, etc. which motivates his concern, it is also an equally profound conviction that philosophy is in danger of abdicating completely its once great role of cultural criticism, which would reinforce the grip of the *thinkers* and *writers* on "human questions" and, perhaps more important, damage the vitality and cultural significance of the entire philosophic enterprise.

WHITE argues that the very greatest philosophers until the time of John Stuart Mill, and some great philosophers like John Dewey and Bertrand Russell who came after Mill, did not feel that interest in substantive moral and political issues in any way compromised the rigor or value of their logical and epistemological work. In fact, their greatness might well be measured by the degree to which they were capable of doing important work in technical philosophical analysis (or more precisely what was once called "critical philosophy") *and* in discussion of basic social and political questions of their day. He notes two traditions in philosophy, one of logical analysis, the other of social criticism, and while he laments the deprecation of the latter in favor of the

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former, he does not commit the "culturist fallacy" which would have all philosophy measured by its cultural "contribution."

White well knows that much of the most impressive and enduring work in philosophy cannot and should not make a "contribution." In fact, he recognizes the danger of creating what he terms a "one man band" kind of philosopher who will speak on all subjects and say nothing on each. He also realizes that even if contemporary analysts do appreciate the acuteness of Locke and Mill on both logical and social issues they might not be prepared to abandon current interests and practices in favor of a rather questionable philosophical completeness. Yet he insists that the power and the glory of philosophy and philosophers lie in the direction of culture criticism and work in the humane disciplines. Difficult as it may be, he advocates the encouragement of young philosophers to work in these areas and to rank philosophic endeavor in the human disciplines among the highest concerns of philosophy. Such philosophic undertakings, he argues, should not be limited to the clarification and analysis of such important and abused terms as "liberty," "democracy" and "equality," but should also extend to discussion and criticism of substantive and practical issues in law, politics, religion and education. Cultural leadership and influence, he suggests, will not come to philosophers until they match the excellence of their work in logic and epistemology with work of the stature of Mill's *On Liberty* or Locke's *Second Treatise on Civil Government*.

These are eminently reasonable and persuasive arguments which, I believe, many analytic philosophers would be prepared to accept. The difficulty, of course, is that many of the better young philosophers assume that only logic and epistemology are significant and that everything else in philosophy is of secondary importance. They would prefer to leave ethics, aesthetics, political theory, philosophy of religion, education and history to those they consider second or third raters, or perhaps to established logicians and philosophers of science in their dotage. Theirs is a kind of philosophical snobbishness which prevents many interested philosophers from working in the areas Professor White suggests.

But this view is surely questionable and there are signs, as White notes, of changes in philosophic tastes and interests. This is especially true in England where the ordinary language approach and the so-called "use theory of meaning" have permitted many issues (in metaphysics and religion particularly) to return to philosophical respectability after they had been ostracized by logical positivist canons of meaning and verifiability. But even in the United States there are indications of renewed interest in many of the "soft" subjects of philosophy. Professor White's book itself is an example of such interest and the range of subjects treated in it illustrates the value of the general philosophic approach he proposes.

I can only touch very briefly on some of these articles, all of which can be read with profit by the general reader, for whom they are primarily intended. There is a discussion of recent trends in British philosophy, a review of books by Richard von Mises and Alfred Ayer, two leading exponents of logical positivism (the current black sheep of the analytic family), a discussion of Harvard's philosophical traditions and a strong plea for an analytic philosophy of history. In addition there are several essays which should be most appealing to readers of this magazine: a review of Isaiah Berlin's *Historical Inevitability;* a reprint of the epilogue to White's own revised edition of *Social Thoughts in America* which provides an incisive critique of Reinhold Neibuhr's perennial pursuit of sin and Walter Lippmann's comparatively recent rediscovery of natural law; and two pieces on problems in religion and education. In "Religious Commitment and Higher Education" White argues forcefully against the popular contention that religious conviction is a necessary condition for proper teaching of religion to undergraduates. In the title essay, he discusses the general term "religion" and finds that appeals to "be religious" are both useless and harmful. There is no "abstract essence of religion," he argues, which can be stimulated by appeals to religion in general or religious feelings in general. One can legitimately subscribe only to a particular religion, and in attempting to generalize in the name of some allegedly common religious value, we introduce a false religious issue into the schools and also debase the unique and peculiar elements in particular religious traditions.

In sum, this is a useful book, which should provide the general reader with insight into the ways of analytic philosophy and its fruitful practice in exploring various social and cultural problems. Some might wish for more detailed analysis in particular cases (I would have liked more on Berlin and analytic philosophy of history) and others might have preferred a wider selection of Professor White's writings, but I think the main purpose of the book is successfully accomplished. At a time of low philosophic fortunes in the general culture, he reminds the analytic philosopher and the layman, that without sacrificing its vigor or rigor philosophical analysis can function in the spirit of John Dewey's conception of philosophy—as a "critique of civilization," and "a perennial adventure of the human spirit."

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The Crisis in Diplomacy

by Robert W. Tucker

WHATEVER the differences that may otherwise separate students of American foreign policy, there is one point at which almost all at present converge: American diplomacy is undergoing a profound crisis. The manifestations of that crisis are many and varied, but its most signal feature is simple and clear. During the past decade the world balance of power has significantly altered, and in a manner unfavorable to this nation. If it is too much to assert that American supremacy has been broken, it is at least clear that American leadership can no longer be taken for granted.

To be sure, the spectacle of a nation beginning its descent from the pinnacle of world power is nothing new in history. But at least other nations have had their moment of glory—if only for a few decades—before having had to reconcile themselves to the inevitable and to see their power decline in the face of a new contender for world power. In America's case, it seems as though this moment of glory had no sooner been reached than it began to slip away. There has been no time to enjoy this primacy. There has been no real time to reconcile ourselves to its eventual loss and to prepare for the worst. There is no prospect that the transfer of power will be to a nation or to nations supporting institutions and professing values that bear an affinity to our own. By comparison to these grim prospects, the British and French experiences must appear blissful indeed.

The Tragedy of American Diplomacy
by William A. Williams
(World; $4.75)

Given our present position, it is to be expected that observers of American diplomacy should search for the "reasons" that will account for what appears to be America's impending decline. It is equally natural that these observers should insist upon finding the desired explanation in the American past, that is to say in America's past mistakes. The possibility that our present predicament may be attributed largely to circumstances that have been and that remain today beyond our ability to control, that the difficulties we face might be substantially unchanged even given an omniscience on the part of US statesmen, is brushed aside. Indeed, even to hint at such an explanation will necessarily appear either as perverse or as a thinly disguised rationalization of past errors. It is the task of discerning these past errors that Professor William A. Williams has set out to accomplish in his critical study, *The Tragedy of American Diplomacy.*

The crisis of American diplomacy may be defined, Williams asserts, "by the conflict within and between America's ideals and practice." American ideals have included a warm and generous humanitarianism that strives to help other people solve their problems, a devotion to the principle of self-determination, and a conviction that other people cannot

Sailing Away

by Boris Pasternak

WE HEAR the lisping salt-sea drip.
Still mute and low the throbbing wheel.
Gently we take the harbor's shoulders
Past warehouses in twilight still.

Wash-wash, wash-wash, the tideless waters.
The birch bark's sailing onward; higher
The rollers, moaning, rush behind us,
Foaming pale-rose, afire.

The crunch and crack of crayfish shells;
The birchen hiss in sunset glow.
The great sea mounts, and, bending, shudders
With swelling tides below.

The shores recede in scrubby pine trees
And wretched groves to right and left.
In gloomy sluggishness the sea-waves,
Indifferent, regard our craft.

A billowing long roller strikes
The starboard dumb, and passes on
To glide along the wooded beaches
And gather cloudberries in the sun.

About us still the shoreline swims
To mark our voyage, and never strange
The shores we know. But not for long.
Our course grows menacing with change.

We take a dread halfcircle into
New tides and vistas far in space.
The masts ride out between the gateways
Of surging open seas in race.

At last, the sea! And like an omen
Of storms and changes, suddenly
Above the grievous chasms, a gull
Drops like a stone, and scoops the sea.

Gulf of Finland
1922

Translated from the Russian by Eugene M. Kayden

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really solve their problems satisfactorily unless they imitate the American experience. Whereas the first two ideals are compatible and even complementary, they are obviously contradicted by the third. And this contradiction on the level of ideals has its counterpart on the level of policy, for in practice it is the obsession to make the world over in the American image that has dominated. Thus the main drive of American diplomacy in this century has been to impose an alien economic system, and frequently alien political arrangements as well, upon other people.

What is the explanation of this inner conflict? Why has America suppressed its "better self"? Why is it that our motives and intentions are deemed good and our actions, if not evil, have at least been a denial of those intentions? The answer to these questions must be found in the "view" America has entertained of itself and the world. That view finds America's freedom and prosperity dependent upon an ever-expanding American system. It sees, and has always seen, expansion as *the* "principle of our institutions." Once that expansion had achieved its continental fulfillment, it directed its attention to the outer world.

THE vehicle for American expansion was provided by the policy of the Open Door, "a brilliant strategic stroke which led to the gradual extension of American economic and political power throughout the world." As an age witnessing the decline of the older imperialism, the Open Door substituted a new program of imperial expansion that "spurned territorial and administrative colonialism in favor of an empire of economics, ideology and bases." It thus turns out, in the Williams interpretation, that the history of American diplomacy throughout this century has been a history of the Open Door Policy and that the controversies of this period have involved questions of tactics, not of strategy. The debates which followed World War I and preceded World War II were essentially concerned with differences over the best means of implementing a relationship between America and the world. But the nature of that relationship, expressed through the policy of the Open Door, remained unchanged. "To stabilize the world in a pro-American equilibrium" has been the minimum objective of this profoundly conservative policy; "to institutionalize American expansion," its optimum goal.

The present crisis in American diplomacy is therefore the direct result of a policy that has defined America "as an alien power in the eyes and the experience of most of the rest of the world." At the apex of its power, Professor Williams concludes

> . . . the United States found itself progressively thwarted in its efforts to inspire, lead, and reform the world. This supreme paradox of American history becomes comprehensible when viewed as a direct result of the nation's conception of itself and the world in terms of open door expansion. For America's weakness in strength was the product of its ideological definition of the world. The United States not only misunderstood the revolutions in economics, politics, color, and anticolonial nationalism, it asserted that they were wrong or wrong-headed and that they should be ignored and opposed in favor of the emulation of the American example.

To dismiss Professor Williams' analysis as being little more than a confusing concoction of the "devil theory" of diplomacy and war and of a thinly disguised Marxism would be an injustice. Unfortunately, however, he almost seems to have gone out of his way to encourage this judgment. Though the weight of Professor Williams' analysis clearly does not endorse a conspiratorial interpretation of history, dark allusions are not infrequently cast about the sinister influence and intentions of the various individuals among America's "corporate leadership" who have influenced American policy. More serious is the fact that he is never quite clear as to whether the American system as such necessitated expansion — in the literal sense — or whether America has been expansionist because of a mistaken conviction that the continued well-being of the American system required expansion. This is a critical point on which Professor Williams remains ambiguous throughout. Here again, however, analysis would seem to point to the latter alternative.

Among these "minor" criticisms one further point should be made. Professor Williams insists throughout not only that America's motives are not evil but even that many of its specific policies have accomplished good. The difficulty "arises from the general view of America and the world in which these specific policies are formulated and put into operation," for this view has generally led to action that denies American ideas and ideals. The argument seems at best confused and at worst disingenuous. If our motives must be judged good simply because *we* have intended to do good, then there has probably never been an evil statecraft in history. All imperialists intend to do good—by their standards—but others have judged both these standards and these intentions as evil. Of course, men may intend to do good by conforming in their actions to standards commonly acknowledged as good, and yet work evil, and we may judge their intentions as good and the consequences of their actions as evil. If this is what Professor Williams has meant to say, then how are we to understand his insistence that the policy of the Open Door has been informed throughout by the standard and the intention to realize the standard prescribing that the world ought to be made over in the American image?

In condemning American action he must also condemn what he obviously considers as both the standard and the intention that have guided this action. Why not say so openly and without equivocation? Why not say that in the conflict between the ideals of humanitarianism and self-determination and the obsession to expand and impose an order on the world the latter won out, and that in consequence both American intentions and American action have been evil?

THE central problem raised by Professor Williams study must concern the validity of his interpretation of American diplomacy. It is no criticism of this interpretation to observe that it does not illuminate and explain the whole of that policy, that it does represent a distinct point of view, and that facts have been selected which bear upon or are relevant to that point of view. But Professor Williams is not content with presenting a historical interpretation that is at best a partial truth. He insists that his interpretation is the whole truth, that the

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history of the Open Door Notes has been *the* history of American foreign relations from 1900 to 1958. For this reason his criterion of relevance in the search for facts becomes the search only for those facts which support the interpretation, and not the search for facts which may cast doubt upon or at least nullify this interpretation. A more meticulous selection of the former and a more careful screening out of the latter would be difficult to find. And when some "facts" cannot be ignored they are tortured into fitting the interpretation. Thus the Marshall plan is given the same interpretation as America's policy toward the banana republics a third of a century ago. Both policies allegedly mark stages in the same traditional program of open door expansion. This method cannot possibly fail to "prove" what it sets out to prove.

If Professor Williams' endeavor to present a partial truth as the whole truth must be rejected, it is nevertheless necessary to recognize that his interpretation is a partial truth. The Open Door Policy—its assumptions, purposes, and means for implementation—does provide a significant insight for the understanding of American diplomacy in this century. American policy has been markedly influenced by the conviction that the expansion of the American economic system into new markets was required for the nation's continued prosperity and growth. Still more important has been the obsession that the international order must be one composed of nations reflecting American political and economic institutions, and that this order could be provided for simply by America's preponderant economic power.

No doubt Professor Williams is also correct in asserting that despite the repeated invocation of the principle of self-determination, there is no way of reconciling this principle with the goal of an international system cast in the American image. But American diplomacy has not manifested the consistency that Professor Williams wishes to attribute to it. Instead, it has oscillated between the desire to project the American system onto the world at large at the partial sacrifice of self-determination, and the desire to realize the pure ideal of self-determination, at the sacrifice of an international order in which American interests might be better safeguarded. Even so, to insist upon labelling the policies to which the former desire has led as imperialism, and to refuse to find any meaningful distinctions between this "new" imperialism and the "older" types of imperialism, is inexcusable. If Professor Williams' reasoning were to be accepted, then almost any form of influence a stronger nation exercises over weaker nations must be termed imperialism. Indeed, simply to act in a world of unequals would mean to embark upon the course of empire.

The utopianism that informs this criticism, its completely anti-power orientation, might at least have the virtue of consistency. Although a policy which would be literally committed to providing "an open door for revolutions" and to "standing aside for peoples to make their own choices, economic as well as political and cultural," is not a conceivable policy for this world, and if seriously pursued would lead to chaos, not to order, its consistent advocacy might at least provide a picture of an ideal world. But Professor Williams cannot claim such consistency. He wants to prescribe what American policy ought to be and to forecast what it can be. Yet he will not acknowledge any need for coming to terms with the world in which that policy must operate.

Professor Williams would have us believe that it is possible for America to pursue a policy that reflects the pure ideal of self-determination and that refrains from any intervention in the internal affairs of other nations. Given the disparity in power and the dependent relationships, economic and political, that mark the contemporary international scene, this prescription seems worse than useless. For it can only serve to foster the illusion that it is somehow possible for us to escape the dilemmas that this disparity and these dependent relationships impose upon us. America cannot address itself to the task of helping to create a more desirable international order by assuming the role of an "equal among equals." The attempt seriously to do so would constitute a renunciation of responsibility, not its fulfillment. What this nation can attempt, within the sharply defined limits of its power, is to fashion an international order in which American security and well being will not and need not be interpreted as requiring the political, economic or ideological conformity of other nations. Within the framework of that order diversity should be permitted and even encouraged.

Since the order we envisage is of this world it must rest upon power and therefore reflect in large measure the interests of those who have power. One may surely hope that this power is not used in such a manner as to override completely the interests of the weak. However, it is foolish to expect that it can assume a form in which the powerful accord the same consideration to the interests of the weak as they will give to their own interests. Professor Williams should understand this, in view of his apparent willingness to condone Soviet behavior as the inevitable, if not legitimate response to the desire for greater security. In an analysis that begins and ends by placing upon America the principal responsibility for the Cold War, he writes that, aside from poverty, the fundamental problem confronting Soviet leadership, is one of security and "not power per se." But this is the fundamental problem for all nations in a system of sovereign states. In judging the foreign policy of a nation the decisive question is not whether it seeks security rather than power per se, but whether its conception of security is compatible with the security of other nations. On this latter point Professor Williams has virtually nothing to say.

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BALLET

The Bolshoi Arrives

THE BOLSHOI BALLET has arrived, preceded by an almost unbelievable reputation and an advance sell-out of every performance scheduled for its American tour. This company is not as good as they said it was. It is better. Western ballet dancers and audiences are aware that this company is the living continuation of the progenitor of the classical ballet and its modern modifications, wherever in the world it exists today. And we have had the word of those who have been to the Bolshoi Theatre in Moscow that the little grandmother of us all is still supreme among her descendants. But until you see the great Bolshoi face to face, you don't quite accept the myth as a reality.

Once in London I sent a visiting Muscovite to Covent Garden, confident that his favorite ballet company was not all that much better than mine. My assurance was not undermined by his shoulder-shrugging, eyebrow-arching reaction to the performance. "Chauvinism," I thought. My devotion to the Sadler's Wells remains today as ever was. But now I've got to admit that we just weren't playing in the same league.

That is the main point to keep in mind as the sensible frame of reference in which to see, criticize, or read about the Bolshoi Ballet. Comparison with others is the necessary means of discussing an artist, or group of artists, or work of art. I have seen one live performance by the Bolshoi. One was enough to persuade me that this company can be compared, in all fairness, only with itself. If there is another ballet in the same class, it resides in Leningrad; certainly not in New York, London, Paris, or Copenhagen.

The first several performances of the opening week at the Metropolitan Opera House were of the same ballet, *Romeo and Juliet* ("Libretto after William Shakespeare," says the program). I saw the performance on Saturday evening, April 18, with Raissa Struchkova dancing the role of Juliet. I was sorry to miss Ulanova, who danced the part on opening night, but there is some advantage to being initiated into the Bolshoi without the presence of that overwhelming genius. I had seen her in the filmed version of the work, and her primacy among living ballerinas is anyway not open to dispute.

Struchkova was a new discovery. She is a beautiful woman and a beautiful dancer. Her technique is so good you barely notice it, which gives you time to be entranced by the exquisite subtlety with which she puts across the poignancy of Juliet's forced growth from playful little girl to tragic heroine in three Acts.

The Bolshoi does not depend for its supremacy, however, solely on its lovely ballerinas. In the male line, it is the quantity of the quality which raises the company to a level without peer.

There was not a single male dancer in the performance I attended whose part could not have been danced equally well (in some instances, better) by one of the top dancers of the companies which have been seen in New York before. But you would have to gather your cast from a dozen of them to assemble on one stage a quorum having the technical brilliance and the artistry which produced the street fight between the feuding Capulets and Montagues in the first scene of this ballet.

Nor would even such a collection of great *danseurs* from England, America, and Western Europe possess the coordinated discipline necessary to achieve the same effect. There have been all-star ballet groups pulled together from time to time for special, festive occasions. But they didn't grow up together, go to ballet school together, dance all their lives together in a city and a country where for nearly two hundred years the ballet has held an unquestioned position as one of the highest art forms and where the dancer's profession is accepted as no less honorable, manly, and necessary than a career in medicine or the military services.

The effect of the Russian attitude toward the dance is immediately apparent from the moment when the curtain rises on a performance by the Bolshoi. No one in the company, male or female, shows the slightest doubt about the value or the dignity of what he is doing. There is a complete absence of that air of self-deprecation of the English or American *danseur noble*, who so often seems to be saying, "I know I look silly, but someone's got to lift the ballerina, so don't laugh."

Audiences brought up on dancing of Bolshoi calibre probably tend to take the technical perfection for granted. Even in the course of one evening, I found my initial bedazzlement with this aspect of the performance giving way to a more general appreciation of the work as a whole. Romeo lifts Juliet as if she were weightless, and without any indication of worry by either partner. So why should I be nervous for them? When he sets her down on her point, it is clear that she can stay there indefinitely and is not going to start to wobble if she doesn't grab hold of something pretty quickly. So the spectator stops thinking about form and becomes caught up in the tension of the unfolding of the drama. To watch the Bolshoi's presentation of this ballet is not just to enjoy the phenomenon of beautiful acrobatics set to beautiful music. It is to encounter the full impact of the tragedy of the trapped young lovers. The acrobatics are ancillary. The dancers are using the medium of the dance to tell the story of Romeo and Juliet, with as much attention to characterization as if they were reciting the lines instead of miming them.

I have never seen or read this troublesome play but I've wished that Romeo had minded his own business, so Juliet could have married that nice Paris boy and lived happily ever after. The reconciliation of two stupid old men over the dead bodies of their children has always struck me as a poor exchange for all those pathetic young corpses. I was therefore especially pleased to read in the program notes that the Paris of this performance is in real life the husband of the Juliet. I felt as if I had won a point in a long-standing quarrel of my own.

IN the movie or television version of a ballet, one of the principal effects of the stage performance—the rhythmic flight of the human body through space—is totally lost. The film of *Romeo and Juliet* is currently being shown in New York. Probably, it will get around to other cities as well. If it comes your way, don't miss it. But afterwards remember that you have not been watching the real thing. You have only seen the picture.

GEORGE WOODRUFF

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ART

The American Muse

THE MOST audaciously conceived and brilliantly executed exhibition of American painting in years — perhaps ever—is now on view at the Corcoran Gallery of Art, Washington. "The American Muse" begins its audacity with the basic assumptions it makes about art and about people who go to exhibitions. The assumption about art is that its study can be endlessly rewarding in fields only distantly related to the disposing of color on a flat surface. The assumption about visitors to an exhibition is that they bring their minds along as well as their aesthetic sensibilities, their motor reflexes, their kinetic responses; their subconsciouses or whatever else may be this year's exclusive proper concern of the artist and his audience.

"The American Muse" is a frank, unabashed appeal to the intellect at a time when it is widely supposed the intellect has at last been banished for good from American painting and from the observation of American painting. In practice, of course, most of us do use our intellects, and always have, in looking at paintings, but the currently violent propaganda for anti-intellectual painting in America has been successful enough to make us somewhat shy about admitting that we think even as we look. The celebrated state of trance piously or calculatingly ascribed to Fra Angelico by Vasari is both ascribed and prescribed today to painter and viewer alike. The show at the Corcoran breaks decisively with this new tradition of cultivated dullness. The show says, in effect, "Whether artists or chief curators approve or not, human beings, reactionaries that they are, are probably going to think as they walk through the galleries; very well, here is something to think about."

What the Corcoran offers to think about is a well-articulated, provocative view of the American character and history as these have developed through the years and as they have shaped and been shaped by American painting and writing. For, in addition to relating the progress of American painting to the progress of America generally, the Corcoran adds American literature to make the dynamic of the show three cornered and to give the motor reflex boys a final spasm of despair; for if, in their view, there is one thing that must never be associated with painting, it is literature. Painting is allowed and even encouraged to be "musical" or "architectural," but "literary" is a dirty word. ("Poetic," "lyric" and "epic" are in frequent use; "elegaic" and "pastoral" are acceptable. These are not exceptions; they have lost their basic literary meanings and are used as vague words of praise, much as "epic" is used in motion picture advertising.)

Having these three balls to keep in the air at all times, the "Muse" is not content to start at the beginning—with, say, those frightful old "limners" that clutter up so many American shows—and plod dutifully forward to the frightful young conmen who clutter up so much today. The American reality is divided for purposes of examination into five loose sections, which are seen as going all the way back and coming right up to the moment in art, literature and life.

The literary aspect of the show is beautifully done. This could easily have been the point at which a big, ambitious enterprise like "The American Muse" fell flat on its face. But the literary selections are drawn from an immense field of American writing, including handbooks on etiquette of the last century and the dicta of such contemporary absurdities as Elsa Maxwell. Always relevant and often surprising quotations are lettered on the wall beside each painting. Painting and text are always close enough to contribute to the steady build-up the show goes through.

These are the five sections: Experience, which includes both the patient observation of Copley and Audubon and the flowering of that patience in the authentic art of observation of Eakins, Sheeler, Homer, Bellows and Sargent; Nature, which begins with Hennepin's picture of Niagara Falls in 1699, includes some charming Hudson River work and culminates in striking paintings by Marin, O'Keefe and Hartley and Balcomb Greene's perennially mysterious and compelling "Composition: The Storm," from the Whitney; Explorers, Wanderers and Exiles, which moves from Catlin's Indians to Cassatt's and Sargent's Parisiennes; The Haunted Mind, which carries the main burden of the show and will do likewise here; and Creating a Living Tradition, which covers humor, a delectable small section on fine manners, the clouds of glory of early history and portrait painting, some beautiful city paintings, from Hassam and Henri to Stella and Richard Florsheim, and a superbly selected mixture of "democratic vistas." The sophisticated tone of the whole effort is summed up in the "epilogue" picture, Erastus Salisbury Field's well-known but physically crumbling "Historical Monument to the American Republic." This architectural dream of the mid-seventies is

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preposterous and funny, but at the same time touching evidence of the boundless aspiration that is part of the American reality. To have kept both these aspects of that reality in view all the time is not the least of the achievement of the show's creators: the Corcoran's director, Hermann Warner Williams, Jr., and his assistant, Henri Dorra.

The naming of these sections is enough to show that many pictures, many quotations, many aspects of the American reality would fit as comfortably into one or two others as into the one they occupy. The naming shows, too, that the division is finally arbitrary, a convenient way to examine a couple of centuries of art, literature and the emerging character they reflect and fashion. Among the many surprising excellences of the show are two small "Iceberg Fantasies," ca. 1859, of Frederic Church. They come in under Explorers, would fit as well in Experience, Nature and even the show's central section, The Haunted Mind.

That section is the real surprise of the show and intellectually the main revelation going on. What it does is to modulate from the hellfire of Jonathan Edwards and Cotton Mather through the "romantic anxiety" of the 19th Century and the sense of displaced person of the 20th to burning, incisive social comment. A remarkable feat and the more remarkable because most of us, I suppose, if asked, would place the over-all theme of painters like Levine, Shahn, Marsh and so on in direct opposition to everything represented by Edwards and Mather. The intelligence behind the show would probably agree—one of the beauties of the exhibition is the total absence of editorial statement—but add, "Not everything." In common there is the passion and the dedication, above all there is the perception of evil and the determination to expose it to view that it may be exercised.

Hellfire blends into romantic anxiety in Washington Allston and Thomas Cole. That anxiety takes on a social note in a Chicago painting by Aaron Bohrod and a New York Sunday by Edward Hopper. From there on, the two—profound personal reaction and the social eye—work constantly together. George Tooker's haunted image of "The Subway" combines them. So does De Kooning's "Woman," which, by the way, is much more powerful in this context, as an image, than in its usual context as an experience of paint in motion. Burchfield comes in here, haunted and social. So do depression pictures of Sloan, Luks and Max Weber, a Bellows drawing of a lynch party, Shahn's "Sacco and Vanzetti"; even a "Peaceable Kingdom" by Edward Hicks gains a lot from the company it keeps here as against its position in naïve art. The section includes a large group of Jacob Riis slum photographs from the eighties and reaches its climax in Levine's "Golden Anatomy Lesson," with its salute to entreprenurial greed and its homage to Rembrandt, who lived and failed in the age of the devil in New England.

We end where we began; a brilliant show, a rare and surpassingly successful effort to engage the intellect in art. "The American Muse" will be at the Corcoran through May 17, by which date it is devoutly to be hoped some imaginative publisher will have picked up the ready-made book that is hanging on those walls.

FRANK GETLEIN

Notes on Contributors

CHARLES CURRAN writes on politics for *The Observer* and other British magazines. HAROLD WEISBERG teaches philosophy at Brandeis. ROBERT W. TUCKER is Associate Professor of International Relations at Johns Hopkins. GEORGE WOODRUFF makes his first appearance with this issue.

Correspondence

(Continued from page 3)

ity for ideas and a felicity of expression that one would suppose would disarm the hostility your reviewer displays.

The answer would seem to be that there are two types of the liberal mind, the pessimist and the optimist. The pessimistic liberal remembers with anger all the old hatreds and oppressions. Even when they have passed from the scene, they are still vividly alive in his mind. He would aim new blows for old ones. He enjoys the fight, gets comfort out of past defeats. Sweetness and light turn his stomach.

The Quaker with his non-resistance, his belief in the power of good, is at the other extreme of liberalism. Miss Ward is no Quaker, but her appeal is to those who would by-pass the old arrogances, the old quarrels and hatreds, and seek to develop among us a more enlightened view of international obligations.

Mr. Friedenberg is placed by his emphasis on the unconscious arrogance of the British in their dealings with India in colonial days. Those of us who have visited India since she gained her freedom realize that the leaders of India, by now, are appreciating what the educational and civil service training of Britain have done for India—and Burma, too.

Many of us agree with Miss Ward that we must turn away from the past with its blunders, and look to a future that will profit by past errors. It is the encouragement Barbara Ward gives to this more hopeful view that wins her a wide audience.

BENJAMIN H. KIZER
Spokane, Washington

". . . three fallacies"

MR. FRIEDENBERG, in his zeal for debunking Barbara Ward ("Barbara Ward's World," your issue of April 13), has evolved a novel theory of the British Commonwealth—that "it is the advantages of the sterling area, not love of Englishmen, that keep the remnants of non-white Empire together." There are at least three fallacies in this one sentence:

1. The sterling area and the Commonwealth are not co-extensive, and it is not necessary to remain in the Commonwealth in order to remain in the sterling area.

2. The word "remnants" does not seem to be very apt. They include some hundreds of millions of people, in all of Britain's ex-colonies except Burma.

3. It may not be "love of Englishmen" that keeps the Commonwealth together; but esteem for the British heritage, strong among the top politicians, senior civil servants, and high-ranking military men—most of whom are British-trained, many educated in British universities—is a very important factor.

Once this generation of leaders passes from power in the Commonwealth, the ties which bind it may indeed be loosened—but for these crucial years they are a real asset to the free world, not to be belittled for the sake of belaboring Miss Ward.

DAVID C. WILLIAMS
Washington, D. C.

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